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SUBJECT: MOLDOVA CIVICS 101: WHAT YOU CAN DO WITH 53 MPs

1. (SBU) Summary: While there is a great deal of speculation about who might form a government in Moldova following repeat parliamentary elections on July 29, facts, in the form of numbers, remain stubborn things. Acting President Voronin will remain in office until 61 (out of 101) MPs vote to replace him. With 53 seats, the four non-Communist parties do not have the numbers to elect a president, even though they hold a majority and outnumber the "plurality-minority" Party of Communists, which holds 48 seats. The non-Communists can nominate a Speaker and approve the appointment of a cabinet, but cannot elect a President, and the present numbers are a recipe for impasse. End summary.

Seats Shift-But No Rout of Communists  
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2. (SBU) The election, while changing the PCRM from a majority of 60 seats to its present 48, was not a rout. The party's popular-vote share dropped only 4.7 percentage points, from 49.5 to 44.8 percent. That loss translated into the larger parliamentary drop because fewer "wasted" votes for parties that did not cross the threshold were available for redistribution. (Note: In the July 29 elections, 4.2 percent of the vote went to parties that failed to reach the 5.0 percent threshold, whereas on April 5, 15.2 percent of votes went to the losers. End note.) The three opposition parties that won seats in April held a combined total of 41 seats; in the new Parliament they will hold 40 seats. The Democratic Party, under the new management of former Speaker and PCRM defector Marian Lupu, went from no seats in April to 13 in July. With the four non-PCRM parties working together in a coalition, they will have a narrow majority of 53 seats.

So-What Can 53 MPs Do?  
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3. (SBU) The 53 MPs can do much of what a parliament does. If the four opposition parties unite in a 53-seat bloc, they can elect a Speaker, adopt and amend laws, dismiss certain key government figures, and return a vote of no confidence against the government. However, until 61 MPs unite around a candidate, no President can be elected, and Voronin will continue on in office as the Acting President. If the parliament fails to muster the 61 votes needed to elect a president, a repeat presidential vote must take place within 15 days of the first one. If that second vote fails to elect a president, the parliament must be dissolved and repeat parliamentary elections scheduled (as just took place July 29). However, since the parliament cannot be dissolved more than twice in any year, if this newly-elected parliament fails on two tries to elect a president, it will nonetheless continue to serve until 2010, while Voronin will continue on as Acting President. Since only the President may nominate a Prime Minister, and Parliament must approve the candidate together with his or her cabinet with a simple majority vote, we are likely to reach an impasse there too, unless Acting President Voronin makes a nomination that is acceptable to the 53 MPs.

So, What Happens with an Impasse in Selecting Prime Minister?  
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14. (SBU) If the two sides decide to fight over the nomination of a Prime Minister, and the process fails three times, the President must dissolve Parliament and call for new elections. Many of the technical details are not clearly spelled out in the law, and Moldova has entered uncharted constitutional waters. For example, it is unclear how to interpret the constitutional clause that Parliament can be dissolved only once in a year -- is that once in a calendar year, or does the year start from another date, such as April 5 elections, or from the June 15 dissolution of Parliament? Only the Constitutional Court can make that determination.

So, Is Moldova Stuck?

15. (SBU) Given the present numbers, and the declarations from all opposition parties that they would not join an alliance with the PCRM, Moldova does appear stuck. The opposition parties will be able to move boldly forward with selecting a speaker, and will be able to pass some legislation and remove some key individuals from powerful positions. If eight PCRM deputies defected, and if they and the four opposition parties could agree on a candidate, then Moldova could elect a president. The other scenario which could lead to electing a president would be a broad coalition, in which the Communists and at least some non-Communist parties all agreed to support the same candidate. Otherwise there will be an impasse leading to repeat repeat elections in 2010.

CHAUDHRY